

### REMARKS

Claims 4, 7, 10, 12, 33-37, 44, 48 and 52 have been amended. Claims 65 and 66 have been added. Claims 1-3 have been cancelled. Claims 4-13, 33-37, 44, 48, 49, 52, 65 and 66 remain for further consideration. No new matter has been added.

2. Claims 4, 5, 8, 9, 12, 13, 33, 44 and 52 currently stand rejected under 35 U.S.C. §102(b) for allegedly being anticipated by U.S. Patent No. 6,103,114 (hereinafter “Tanner”). In particular, the rejection provides that the claimed “circular sealing surface” and “mounting lugs” read respectively on the circular seal surface at seal 52 and the lugs 57 as shown in FIG. 1 of Tanner. It is respectfully submitted, however, that this rejection is now moot since independent claim 4 has been amended.

Amended independent claim 4 is directed to a mounting part of or for a water treatment cartridge. The mounting part includes:

“...a generally circular sealing surface, major and minor axes in a horizontal cross-section, and mounting lugs arranged at opposed ends of the mounting part along an elongate direction generally aligned with the major axis, wherein the sealing surface is arranged radially inward of the mounting lugs and is formed by at least a portion of an inwardly facing, downwardly depending wall that forms a radially outer wall of an annular channel for receiving water that can pass through the cartridge by the force of gravity.” (Emphasis added).

Tanner, in contrast, discloses a filter cartridge 50 that includes an O-ring 52 disposed in a channel 53, and two corresponding oppositely arranged pins 57. (See col. 4, lines 6-21; FIGS. 1 and 5). FIGS. 1 and 5 of Tanner show that the inner radial surface (the alleged circular seal surface) of the channel 53 is disposed radially *outward* of or at least *coplanar* to the pins 57. FIG. 1 also shows that the inner radial surface of the channel 53 is formed by an *outwardly* facing wall. Tanner therefore does not disclose or suggest the claimed features of “wherein the sealing surface is arranged radially *inward* of the mounting lugs and is formed by at least a portion of an *inwardly* facing, downwardly depending wall....” (Cl. 4, emphasis added). Tanner also does not disclose or suggest the claimed feature of “an inwardly facing, downwardly depending wall that

forms a *radially outer wall* of an annular channel for receiving water that can pass through the cartridge by the force of gravity.” (Cl. 4, emphasis added). Rather, FIGS. 1 and 5 of Tanner show that an inside of the sleeve 34 or the wall 32 of the pour tray 30, *not* the filter cartridge 50, defines a radially outer wall of a channel around a top of the filter cartridge 50.

The classic test for anticipation states that a single prior art reference must disclose each feature of the claimed invention. It is respectfully submitted therefore that Tanner is incapable of anticipating amended claim 4 for at least the reasons as set forth above.

Regarding the proposed combination of Tanner and U.S. Patent No. 5,811,004 (hereinafter “Robertson”), it is respectfully submitted that the combined teachings of Tanner and Robertson do not teach or suggest a mounting part as recited in amended claim 4. For example, neither Tanner (see above) nor Robertson (see FIG. 13 and col. 7, lines 13-21) teaches or suggests the claimed features of “wherein the sealing surface is arranged *radially inward* of the mounting lugs and is formed by at least a portion of an *inwardly facing, downwardly depending wall* that forms a *radially outer wall* of an annular channel for receiving water that can pass through the cartridge by the force of gravity.” (Cl. 4).

The Office Action asserts Official Notice (see the obviousness rejection of claim 1, pgs 3-4) that it would have been obvious to modify the combined teachings of Tanner and Robertson to arrange the pins 57 on opposed ends of the filter cartridge 50 along its major axis. Applicant respectfully disagrees, and submits that the aforesaid Official Notice is based on impermissible hindsight. Applicant therefore respectfully traverses the Official Notice.

The mounting part recited in amended claim 4 has several advantages over prior art mounting parts and filter cartridges. For example, the radially inward location of the sealing surface reduces the likelihood of damaging (e.g., scratching, etc.) the mounting part or the cartridge during handling, or while mating the mounting part with an appliance. This in turn reduces the likelihood of leaks forming during operation, for example, due to gaps between the sealing surfaces of the mounting part and the appliance. In addition, the radially inward location of the *circular* sealing surface permits the mounting part to have a *noncircular* outer geometry (i.e., the claimed major and minor axes). The geometry of the sealing surface therefore can be independent of the outer geometry of the mounting part and, thus, the mounting connection to the appliance. This independence permits, for example, a hopper mated with the sealing surface of the mounting part to be independently removed from a liquid vessel after liquid has been drained

from the hopper *without* removing the filter cartridge. The radially inward location of the sealing surface also permits a sealing member (e.g., a seal ring) to be mounted on the appliance, opposed to the mounting part; e.g., see FIGS. 12-14 of the present application where a circular sealing member 93 is mounted around a wall 90 of the appliance.

For at least the foregoing reasons, Applicant respectfully submits that the rejection of independent claim 4 and, therefore, the rejections of dependent claims 5, 8, 9, 12, 13, 33, 44 and 52 are now moot, and should be withdrawn.

4. Claims 1-3 currently stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Tanner in view of Robertson.

Claims 1-3 have been cancelled. It is respectfully submitted therefore that these rejections are now moot and should be withdrawn.

5. Claim 6 currently stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Tanner in view of Robertson.

Applicant respectfully directs the Examiner to the remarks above pertaining to amended claim 4. For at least the reasons as set forth above, Applicant respectfully submits the apparatus of claim 6 is patentable.

6. Claims 7, 10 and 11 currently stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Tanner in view of U.S. Publication No. 2002/0036162 (hereinafter "Magnusson").

Applicant respectfully directs the Examiner to the remarks above pertaining to amended claim 4. For at least the reasons as set forth above, Applicant respectfully submits the apparatus of claims 7, 10 and 11 is patentable.

7. Claims 34-37 currently stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Tanner in view of U.S. Patent No. 5,002,665 (hereinafter "Brueggermann").

Applicant respectfully directs the Examiner to the remarks above pertaining to amended claim 4. For at least the reasons as set forth above, Applicant respectfully submits the apparatus of claims 34-37 is patentable.

8. Claim 48 currently stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Tanner in view of U.S. Patent No. 5,873,995 (hereinafter “Huang”).

Applicant respectfully directs the Examiner to the remarks above pertaining to amended claim 4. For at least the reasons as set forth above, Applicant respectfully submits the apparatus of claim 48 is patentable.

9. Claim 49 currently stand rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Tanner in view of Huang and either U.S. Patent No. 5,525,214 (hereinafter “Hembree”) or U.S. Patent No. 6,123,837 (hereinafter “Wadsworth”).

Applicant respectfully directs the Examiner to the remarks above pertaining to amended claim 4. For at least the reasons as set forth above, Applicant respectfully submits the apparatus of claim 49 is patentable.

As applicants have traversed the rejections raised by the Examiner, it is respectfully requested that the Examiner withdraw the stated rejections, allow claims 1-13, 33-37, 44, 48-49, 52, 65 and 66, and pass the present application on to issuance. Please charge our deposit account no. 50-3381 in the amount of \$1,920 for the RCE and 3-month extension of time fees. In the event an additional fee is due, please charge our deposit account no. 50-3381.

Respectfully submitted,  
O'SHEA GETZ P.C.

By Richard D. Getz

Richard D. Getz  
Registration No. 36,147  
Attorney for the Applicants  
O'Shea Getz P.C.  
1500 Main Street, Suite 912  
Springfield, MA 01115  
(413) 731-3100